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AUTHOR Ryan, William D.
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ABSTRACT

A public once trusting of business and business values has turned skeptical and hostile, resulting in legislation designed to make business responsible for making more than a profit while delivering an increasing standard of living that poses no threats to life. Traditional institutional advertising became irrelevant as the positive public evaluation of business tumbled. The result is advocacy advertising which is issue oriented, often designed to influence legislation and regulation, and directed to influential people. Recent court decisions have extended First Amendment protection to include advertising that refers to public issues. Critics of advocacy advertising are concerned about one-sided presentations of corporate propaganda and about the possibilities that catchy headlines and simple slogans will dominate public dialogue, that truth cannot be assured, and that the dollars invested and the monolithic view of corporations will give public access only to the corporate viewpoint. Proponents of advocacy advertising argue that the information provides fullness to dialogue and redresses an imbalance in the public dialogue while elevating such dialogue since the advertising is directed specifically to sophisticated audiences. (TJ)

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ADVOCACY ADVERTISING--EXPANDING THE MARKETPLACE OF IDEAS

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By

William D. Ryan
Associate Professor
S.I. Newhouse School of
Public Communications
Syracuse University
Syracuse, New York 13210

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ADVOCACY ADVERTISING--EXPANDING
THE MARKETPLACE OF IDEAS

For decades the Warner & Swasey Company, a Cleveland, Ohio, manufacturer of machine tools and production equipment for industry, has sponsored advertisements that were primarily institutional with some product information tucked in almost as an afterthought.

The advertisements could have been the work of the creative team of Adam Smith and Charles Darwin. The language was that of micro economics. The work ethic was central, as were thrift and individual responsibility. The efficient competitor profitably survived.

The advertisements were placed in media read by other businessmen, hopefully customers, who held the same beliefs and responded positively to the traditional ideas which rationalized and justified the existing economic, social and political organization of American society.

People outside the business community were either unaware of, or paid little attention to, traditional institutional advertising. Such advertising was regarded as noncontroversial and seldom challenged.

Many corporations and large businesses did seek broader, more general audiences, relating social and economic benefits to the community from traditional economic activities. The fact that much institutional advertising was targeted to broader publics revealed that business leaders were aware that their activities and continued existence depended upon public tolerance if not approval. Research findings and product development were related to the general publics' health and welfare. The advertisements were invariably courteous and polite and eyed suspiciously as a legitimate business expense primarily by the Internal Revenue Service.

Business was, in brief, keeping the traditional economic faith and interpreting its activities in terms of the publics' self-interest to the self-interest of business.

The Changing Environment

It would be redundant to recap the institutional changes resulting from the activism and agitation of the last decade. Controlling economic and social assumptions were twisted and bruised. A trusting public turned suddenly skeptical, even hostile.

A variety of interest groups developed effective public information campaigns and lobbied aggressively for environmental protection, against nuclear power, for more careful and extensive testing of medicines and for employee health. In some quarters there was blunt ideological opposition to the enterprise system.

Legislators, sensing the combination of social malaise and rising tide of protest supported by product safety scares and numerous health hazards responded with a spate of legislation designed to make business more responsive and responsible. New governmental regulatory organizations were established and existing regulatory agencies cranked out new reams of regulations. Business was being held responsible for more than making a profit: Business was to deliver an ever-rising standard of living while simultaneously posing no threats to life or what is now called the "quality of life." The public demanded a risk-free environment.

With the traditional economic faith sorely trammeled, the repetition of traditional economic ideas--so long dear to business--proved stunningly ineffective, stimulating little emotional response or commitment. Many economic ideas believed to explain and justify contemporary economic organization and activities were examined critically for the first time in a generation and found relatively empty of content.

The onslaught came from so many directions and contained so many charges that traditional and rather general institutional campaigns were overwhelmed. Business seemed inarticulate because it did not answer and often ignored specific charges, and by default, allowed various interest groups to set the agenda, including the language and idea framework within which issues were discussed.

Suddenly, like other institutions, business became aware that it was being held to social responsibility criteria; it could no longer confine activity to producing products and services for a profit. The general well-being of the public was no longer tolerated as a by-product of economic activity.

In the eyes of business people, the difficulty of explaining positions and problems was compounded by less than objective and informed press treatment. This is not unusual. Seldom is any interest group convinced of the fullness or fairness of press treatment. According to Herbert Schmertz, a vice president responsible for Mobil Oil public affairs:

> "Most journalists don't have the time, the ability or the resources...: It is that lack--not a liberal or conservative bias, but a bias toward simplification and distortion--that cries out to be corrected by advertising programs."[1]

Into the Fray

Traditional institutional advertising was ill-suited to handle the problems posed in a rapidly changing environment. The polite, unhurried and reassuring language, the assumption of public trust and understanding, the traditional ideas capable of eliciting an affective response--all became irrelevant. The positive public evaluation of corporate and business activity tumbled.

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[1]Herbert Schmertz, "Industry Fights Back, the Debate Over Advocacy Advertising," Saturday Review, January 21, 1978, p. 22.

The belated response of business is what is called "advocacy advertising." Advocacy advertising is issue-oriented, often designed to influence legislation and regulation, which means it works within a more sharply defined time frame than traditional institutional advertising.

Target audiences may be called elites or influentials, most frequently decision makers in government, others in business, professionals and academics and lastly the general public. The arguments presented to such audiences cannot be simplistic platitudes or catchy one-sided slogans. Often the newspaper or magazine page is filled with information that requires considerable economic "literacy." Often as not, the advertisements are designed for media people, especially those who write editorials. And today it is not unusual to note editorials which use, if not accept, the arguments put forth in advocacy advertisements.

Advocacy advertising is simply a response to the rapidly changing and more challenging environment in which business attempts, once again, to express and relate the corporate or business self-interest with that of the broader community. In so doing, advertising takes on a new dimension.

Revealing Arguments and Tradeoffs

True, the eye-catching headline is designed to arrest attention and lure readers into the copy. The copy, however, is a sophisticated blend of argument and ideology which reveals the new justifications business uses to legitimatize itself today. Often the copy argues for moderation instead of quick-fix solutions.

Bethlehem Steel admits pollution is an undesirable by-product of steelmaking. Bethlehem's advertisements also note that meeting new,

stringent pollution standards requires the use of "new and uncertain" and very expensive technology which it can hardly afford while providing jobs, making efficient use of energy and meeting demands for other "social priorities," such as affirmative action.

Bethlehem and other advocacy advertisements frequently express the new economic and social justification of American business: providing jobs and economic and social security and mobility.

Advocacy Advertising: Organization and Growth

More than a half-dozen large advertising agencies have established special departments to handle corporate, or institutional, and advocacy advertising. Estimated expenditures through advertising agencies run from $500,000.00 to one billion dollars a year, with growth projected at 10 to 15 percent per year.[2]

Advocacy advertising already has survived a court challenge to its legitimacy. The First National Bank of Boston and other firms wished to run paid advertisements opposing a referendum that would enable the Massachusetts legislature to impose an individual income tax. Because a Massahcusetts statute specifically prohibited any corporation from paid advertising dealing with any referenda issue other than one bearing directly on the primary business of a firm, the First National Bank sought an injunction permitting it to advertise. The Massachusetts Supreme Court upheld the law forbidding corporate advertising addressed to referenda issues; the U.S. Supreme Court reversed the Massachusetts Supreme Court, noting the issue did not involve political candidates and elections but referenda and issues.[3]

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[2] Advertising Age, February 27, 1978, p. 42.

[3] 98 S. Ct. 1407 (1978).

The Massachusetts case is the latest in a series in which the court has noted that mere commercial nature of message is no bar to First Amendment protection for advertising. Because a form of communication can be identified as advertising, there is a curious and persistent unwillingness in many quarters to permit such communication to the public, though the general public often has the greatest stake in the outcome of issues in which advertised information is involved.

Despite First Amendment protection given advocacy advertising, some observers maintain the following criticisms or reservations:

1. There is continuing concern about one-sided presentations of corporate propaganda. The use of the term "propaganda" aside, advocacy advertisements, moreso than traditional institutional advertisements, are presented in an actively competitive information environment where they are subject to quick and direct challenge as well as editorial comment.

2. There is concern also that catchy headlines and simple slogans will permeate what should be a public dialogue. Often, it must be noted, intriguing or inviting headlines in advocacy advertisements are an introduction to long, often detailed arguments presented for readers with a high "economic literacy quotient." Such readers would be intolerant of oversimplification and slogans.

3. There is no way to assure truthfulness in advocacy advertisements claims. For an intelligent audience, the astute advertiser will make sure of the facts whether or not some organization monitors advocacy advertisements for truthfulness. Also, advocacy advertisements frequently involve ideas and ideologies for which there is no objective benchmark against which to measure a statement or argument for some objective truth content.

4. The dollars invested and the monolithic point of view or corporations will give public access only to the corporate point of view. Recent legislative and regulatory activity does not support this argument. Further, the interests of corporations vary. Some airlines favored fare deregulation; some did not. Some insurance companies favor no-fault insurance; some do not. Some food suppliers supported the Agency for Consumer Advocacy; some opposed the proposed agency.

Expanding the Marketplace of Ideas

Proponents of advocacy advertising argue, not unreasonably, that the information contained in such advertisements provides fullness and redresses an imbalance in the public dialogue, while at the same time elevating the dialogue because the advertisements are addressed to intelligent audiences. Further, such advertising serves the press, providing hurried and harried reporters and editors with information otherwise not available.

Should such advertising be permitted? Were the 1942 Chrestensen Decision, in which advertising was casually denied First Amendment protection because of its merely commercial nature controlling, advocacy advertising would probably not receive U.S. Supreme Court approval. Advertising would continue to be the major form of mass communication with which regulators could experiment.

In recent years, however, the Supreme Court has extended the mantle of First Amendment protection. Commercial speech is protected.[4] Advertising may not be banned, when admittedly truthful, because it deals with individual behavior or values disdained by the majority of the community.

With recent Massachusetts case, First Amendment protection is extended to advertising dealing with issues. The decision overturns numerous state laws prohibiting advertising and promises to add to the fund of public information and provide for full discussion and diversity of viewpoint at the very time critics increasingly question the diversity of information and opinion offered by the press.

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[4]Virginia State Board of Pharmacy vs. Virginia Citizens Consumer Council, Inc. 425 U.S. 748, 764; 96 S. Ct. 1817, 1827 (1976).

As are other large businesses, the press typically is organized as a corporation, and a newspaper often is but one division of a corporation with a variety of "other" commercial interests; sometimes a newspaper is a unit in what is called a "media conglomerate." With this in mind, Chief Justice Warren E. Burger, in a concurring statement with the majority in the Massachusetts decision, noted that restrictions on corporate free speech in the form of advertising could pave the way for future press restraints. Curiously, then, the decision dealing with advertising provides protection for the press.